

CITY OF SAN BRUNO



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STAFF

George D. Foscardo, AICP,
Community Development Director
Grant Wilson, AICP, *Associate Planner*
Aaron Akin, *Assistant Planner*
Pamela Thompson, *City Attorney*
Tanya Sullins, *Recording Secretary*

PLANNING COMMISSIONERS

Kevin Chase, *Chair*
Perry Petersen, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Joe Sammut
Robert Schindler
Mark Tobin

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

February 18, 2003

San Bruno Senior Center
1515 Crystal Springs Blvd.
7:00 P.M. to 11:00 P.M.

CALL TO ORDER at 7:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Chase	x	
Vice Chair Petersen	x	
Commissioner Johnson	x	
Commissioner Marshall	x	
Commissioner Schindler	x	
Commissioner Sammut	x	
Commissioner Tobin		x

STAFF PRESENT:

Planning Division: **George Foscardo**
Grant Wilson, Associate Planner
Aaron Akin, Assistant Planner
Tanya Sullins, Planning Secretary

City Attorney: **Pamela Thompson**

Pledge of Allegiance **Commissioner Johnson**

1. **Approval of Minutes** January 21, 2003
Johnson/Sammut
2. **Communication –** na
3. **Public Comment** na

4. **345 El Camino Real**

Request to amend an existing use permit at an auto dealership by changing the hours of business operation and by allowing employee parking on Linden Ave; per Section 12.96.110.C.8 and Chapter 12.112 of the San Bruno Zoning Ordinance– Grace Honda, applicant; Homa Yamin, owner. **UP-01-55.**

Associate Planner Wilson entered staff report. Grace Honda requested that this be continued for one month because property owner is out of town. Staff recommends that the San Bruno Planning Commission revise business hours of operation and retain other existing conditions of approval for Use Permit 01-55 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-11). The Planning Commission may wish to observe the applicant's request to continue the public hearing to the March 18, 2003, meeting.

Associate Planner Wilson entered staff report. Commissioner Johnson asked why the Traffic & Safety committee did not consider removing the red curbing on Linden. Associate Planner Wilson said that it was because of driveways being too close, and Linden being too narrow, and the traffic volume.

Public Hearing Opened

Applicant Tommy Lee, Customer Service Manager at Grace Honda was present to answer any questions. He addressed concerns from neighbors (1) power washer has been changed, 2) PA system has been stuffed, 3) they have plans to move them to the east to make them less noisy to Linden Avenue, 4) changed power washer to a more quiet washer, 5) stopped power washing of cars during non-working hours, 6) trash – has asked janitor to dispose of trash early in the evening, and bin will be moved back down closer to the building, 7) back fence that needs to have slats put into the chain link fence will be done by end of month) The issue of parking of employees on site – not enough parking for employees, had inventory off-site at San Bruno lumber site, but the site has been sold and now has had to vacate the inventory, now working with El Rancho to acquire 30 parking spaces, he monitors the street about 3 times per week to see if no garbage is left on the street, he also found out that in the use permit from 1969 they agreed to maintain Melody Lane which he is working on doing right now). Commissioner Sammut asked if they would be able to use the 30 parking spaces that are being proposed at El Rancho for employee parking. He stated no, because of the shifts. They currently have 4 onsite parking spaces.

Commissioner Johnson asked how Grace Honda has communicated with the neighbors, and if they have approached him. He stated that only a few neighbors have been communicative with them, they had a Christmas function that he handed out invitations, and handed out bottles of wine to the neighbors, but wasn't well attended. Vice Chair Petersen asked the applicant if another method of paging other than the sound system has been implemented. Applicant stated that 3 years ago they implemented a phone that everyone carries on them, which has eliminated 75% of the paging. He will suggest implementing using the messaging on personal cell phones since most employees carry personal cell phones. Chair Chase suggested using Nextel phones.

Representative for neighborhood, Richard Drumn expressed his concerns with Grace Honda. He asked the commission to enforce the Conditional Use Permit that was put upon the dealership when they were first granted permission to do business there. 1) No employee parking on residential streets, 2) all lighting and reflected glare to be away from the residents and only safety lighting on after 10 p.m., and 3500 sq ft of landscaping. Noise, parking and trash continues to be an issue. He asked the City to demand Grace Honda to provide on-site parking for their employees.

Commissioner Johnson asked Mr. Drumn to give the main concerns he has. He replied, parking & trash generated by employees. There has also been an increase in noise recently. The PA system noise has increased. Also, the night time noise, of the pressure washer, or trash being thrown away noise. He spoke with the manager about this, and asked for a neighborhood newsletter letting the neighbors know some of the changes they have and are making. Neighbors at 331 Linden Avenue expressed their concerns with the parking issues. They submitted pictures of several incidents where they have been blocked in by employee cars, or employee's parking where there was No Parking construction signs. They have also seen employees move the No Parking signs. They asked the commission to ask Grace Honda to comply with the existing Use Permit. Associate Planner Wilson recommended the commission to allow the hour change, but not allow the change in parking. But the public hearing could be continued. City Attorney Thomson recommended that the commission not take action since the actual applicant was not present because of the due process. Commissioner Johnson and Commissioner Sammut stated that they were not comfortable making a decision this evening. Times have changed since the Conditional Use Permit was implemented in the 1960's. Commissioner Sammut stated that

Grace Honda needs to find available parking at surrounding businesses, but the neighbors need to be flexible. Streets are public parking. He recommended that this was continued, and have Traffic and Safety meet and look at alleviating some of the red zone parking, to alleviate some of the parking issues. The issues don't only stem from Grace Honda, but also the Church there. Vice Chair Petersen expressed the rights of the businesses and residents. He asked Grace Honda to bring to the next meeting some statements and some plans that are convincing to the commission. Commissioner Sammut asked if the Planning Commission has an appeal right to the Traffic & Safety commission's recommendations. Associate Planner Wilson asked the Commission to make the requests very specific of what they want their decision based on. "Commissioner Sammut replied that would want the response spelled out very clearly removing all the red curb, portions of the red curb, and why they don't want to recommend that. City Attorney Thompson stated that the commission could ask them for very specific information, and provide their reasons. They are also not a deciding body, and their recommendation is not final.

Public Hearing Closed

Commissioner Sammut asked the commission to make the motion to continue this to the March 18th meeting, and ask that this go back to Traffic & Safety committee to look specifically at the red curbing and what can be done with the red curbing to increase the parking availability w/o severely impacting the residents that live on the west side of Linden Avenue. Commissioner Johnson asked to be notified when this is going to be on the agenda for the Traffic & Safety Committee. Commissioner Schindler asked for an addendum to the motion to have the meeting be extended when a proper response can be given from Traffic & Safety Committee. Commissioner Petersen asked for Traffic & Safety committee to consider restrictions that could be put on parking there. Possibly considering limiting part of the parking area to shorter parts of the day, or to use by residents and other parts used by general public. City Attorney Thompson told the commission to request a copy of the minutes but they wouldn't want to go to the individual members of the Traffic & Safety Committee presenting their views and influencing personal views on the subject matter.

Motion Sammut /Second Petersen to continue this when the Traffic & Safety Committee have had the opportunity to meet on this, and a proper response can be brought back to the Planning Commission.

VOTE:	5-0-1
AYES:	5
NOES:	0
ABSTAIN:	Marshall

5. 772 4th Avenue

Request for a Use Permit for a 654 square foot addition, which proposes to exceed the .55 Floor Area Ratio Guideline, per Sections 12.200.030.B.1 of the San Bruno Zoning Ordinance. Luis Robles (designer/applicant), Ravin Chand & Joshna Charitra (owner) **UP-02-75**

Staff recommends that the Planning Commission **approve** Use Permit 02-75 based on Findings of Fact (1-9) and Conditions of Approval (1-12).

Public Hearing Opened

Applicant/architect Mr. Robles and owner were present to answer any questions. They agree to the conditions of approval. Vice Chair Petersen asked for a color sample they are proposing. Architect stated that he submitted a color palette.

Public Hearing Closed

Motion Petersen/Second Schindler approve Use Permit 02-75 based on Findings of Fact (1-9) and Conditions of Approval (1-12).

VOTE: 6-0-0
AYES: 6
NOES: 0
ABSTAIN: 0

(Chair Chase advised of 10-day appeal period)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 11, 2003, and notices were mailed to property owners within 300 feet of the project site on January 10, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.
9. The subject property is in the San Bruno Redevelopment Area and must meet the standards of the Aircraft Noise Insulation Project.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-75 shall not be valid for any purpose. Use Permit 02-75 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a 654 square foot second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on February 18, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and roofing materials shall match.

Department of Public Works - (650) 616-7065

9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.
10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. No fence or retaining wall shall be built within two (2) feet from the back of the sidewalk.

7. 3320 Fleetwood Drive

Request for a Use Permit and Variance to allow construction of a 2nd story addition to a single-family residence that would exceed the .55 FAR Guideline, and would have a fence that exceeds the 6' height limit; per Sections 12.200.030.B.2, 12.200.050.B, & 12.84.150 of the San Bruno Zoning Ordinance – Jitendra Singh (applicant/owner) **UP-02-55**

Staff recommends that the San Bruno Planning Commission **approve** Use Permit UP-02-35 subject to the attached Findings of Fact (1-11) and Conditions of Approval (1-16).

Assistant Planner Akin entered staff report.

Commissioner Marshall asked about a dining room that was added without a permit, and wanted to know if it was reflected in the existing conditions, and is this dining room part of the new addition. Assistant Planner Akin replied that it is not. But it is not greater than 50% expansion even including that 200 sq. ft.. Commissioner Schindler commended the applicant for attempting to accommodate most of the requests from the commission and the neighbors.

Public Hearing Opened

Applicant was present to answer questions. He reviewed all the changes that they have gone through and the expenses incurred to make these changes to attempt to accommodate the commission and the neighbors. Commissioner Johnson asked for a timeline for the project, and who would be working on it. Applicant replied that it would be done before the end of the year, and they would be working on the project themselves. Commissioner Johnson asked for hours that construction could be done. Assistant Planner Aknin stated that this was indicated in the Conditions of approval. Commissioner Johnson asked the applicant to try to keep the noise level down during late hours (meaning internal construction work). Vice Chair Petersen asked applicant if they received a copy of the staff report noting that there are still some neighbors opposed to the project. He stated that even though the revisions to the plans are very good, there are still some concerns. Applicant stated that they are striving to keep all parties happy.

Mr. Brown at 3310 Fleetwood Drive expressed his concerns still with the project. He wanted a licensed contractor working on the project. He also asked why they were doing the addition. He also questioned the rights (Commissioner Sammut stated in a previous meeting that a man's home is his castle, and he has the right to propose anything to his home.) that everyone has to exercise his right on their addition. He felt that the neighbor's rights are violated. He wished that Mr. Singh could sit down with the neighbors on this project. Ms. Petersen, 3330 Fleetwood Drive was concerned with the loss of light that her center patio gives to her entire home due to the addition that the applicant is proposing. She was also concerned with the addition going on till late in the evening, and work being done by a non-licensed contractor. She also wants someone to show her exactly where the addition is going to start. Commissioner Johnson had gone through the Ms. Petersen's house, and agrees that the patio brings in most of the light into her home. She asked Director Foscardo if he was able to answer all her questions. He stated that he had met with the 2 neighbors, and showed where it would start in relationship to the house, so if she could look at the 2 bathroom windows, she could see where that would start. Ms. Brown at 3310 Fleetwood Drive expressed her concerns with the addition. She is concerned with the applicant's attitude towards the rest of the neighbors. They don't speak, they refuse gifts, and the children are not allowed to speak to the neighbors. Commissioner Marshall asked Ms. Brown if the 8-ft fence that is being required by City Staff is upon her request. She replied that it was, because she wants privacy in her bathroom. Vice Chair Petersen explained the San Bruno Zoning Code, and because it is restrictive in what can and cannot be built, he thinks that the application that is being presented to them shows the efforts that the applicant has made to meet the concerns of the commission and neighbors. The applicant spent a tremendous amount of time and effort to redesign the project. Commissioner Marshall asked Staff about the dining room that was added w/o a permit, and if the square footage has been added into the proposed addition. Assistant Planner Aknin stated that if it were never permitted it would be over 50%. Commissioner Marshall also asked if they had ever gotten together with the neighbors and staff. Assistant Planner Aknin stated that staff got together with the neighbors and applicant separately due to the climate between the neighbors and applicant.

Assistant Planner Aknin explained to the Commission that if the application was denied, and the applicant reduced the project by about 300 sq. ft. they could put a 2nd story addition at any portion of the home without having any conditions that are being set forth by the planning process. So, with this proposal we have a way to condition the project to meet the neighbor's requests as best as possible. Chair Chase asked about the dining room and if the applicant is the one responsible for the addition if they purchased the home that way. Community Development Director Foscardo stated that if it was done prior to 1989 then the square footage as a basis of square footage at that time. He also stated that the project couldn't go back any further. They tried to find out the best spot for a 2nd story addition with minimal impacts. Commissioner Johnson asked if there is a bellyband proposed on this wall. Assistant Planner Aknin stated that it was a condition of approval. Vice Chair Petersen asked staff if they were going to check that the dining room was built to code. Assistant Planner Aknin stated that there is a condition of approval that states the dining room and side door had to be up to code, and approved by the building department.

Public Hearing Closed

Vice Chair Petersen reviewed his reasons of approving this project as presented. He was concerned with the fact that the applicant can propose anything they want to the building department if they just reduce the size by a few sq. ft.

Motion Petersen/Second Schindler approve Use Permit UP-02-35 subject to the attached Findings of Fact (1-11) and Conditions of Approval (1-16).

(Commissioner Sammut let the neighbors know that he does take his job very seriously.)

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Chase advised of 10-day appeal period).

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, February 8, 2003, and notices were mailed to property owners within 300 feet of the project site on February 7, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the alterations proposed to the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The applicant has designed the home in a manner that will lessen the effect of the new 2nd story addition on its neighbors.
9. The proposed 8' sideyard fence will help to alleviate privacy concerns caused by the sideyard door and proposed 2nd story addition.
10. The off-street parking will be adequate for the residence.

11. Although there are no other two (2)-story homes on the east side of the 3300 block of Fleetwood Drive, there are numerous other two-story homes in the immediate area. Many of these homes are similar in style and mass to the proposed home.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-55 shall not be valid for any purpose. Use Permit 02-55 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a use permit for an addition to an existing dwelling at 3320 Fleetwood Drive. shall be built according to plans approved by the Planning Commission on February 18, 2003, labeled Exhibit A, except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and windows shall match.
9. A bellyband shall be added between the first and second story. This band shall be shown in the Building Department set of drawings.
10. The 2nd story bathroom window shall be made with obscured glass.
11. An eight (8) foot fence shall be constructed in the area indicated in Exhibit "F" within 2 weeks of issuance of permit.
12. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way.
13. Install a sanitary sewer cleanout at the property line per City standards.

14. Storm water from new addition roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter per City standards.
15. No fence or retaining wall shall be built within 2 feet from the back of the sidewalk
16. The dining room and door shall be shown as new construction in the building department set of plans.

8. Notice of Intent to Adopt a Neg. Declaration/City of San Bruno Housing Element

The City of San Bruno is preparing a Housing Element for the 1999-2006 planning timeframe, and has determined that the project will not result in significant environmental impacts. The City of San Bruno is considering adoption of a Negative Declaration for this project. The approval of a Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately. The project description is provided in the Notice of Preparation (NOP), which is available in the Community Development Department.

Associate Planner Wilson entered staff report. Looking for an introduction to a resolution from the Planning Commission that this has been approved, and passed on to the City Council.

Public Hearing Opened

Public Hearing Closed

Commissioner Johnson introduced resolution # 2003 – 02 and recommended the City Council's approval.

Approved by roll call voice vote

VOTE:	6
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Chase advised of 10-day appeal period)

12. City Staff Discussion

March ARC Members: Marshall, Petersen, chase (March 13, 2003)
PG&E Power Line Project (PG&E wants to run a line from Skyline down through Brisbane. It would be underground on this side of skyline blvd.)

13. Planning Commission Discussion

na

George Foscardo,
Secretary to the Planning Commission
City of San Bruno

Kevin Chase, Chairperson
Planning Commission
City of San Bruno

NEXT MEETING: March 18, 2003

GF/ts

Adjourned at: 9:45